

## NH WATER WELL BOARD MEETING MINUTES

August 17, 2007

DRAFT

A meeting of the New Hampshire Water Well Board was held on August 17, 2007 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03302.

Present were : Bart Cushing, Chairman

Rene Pelletier, Secretary

Board members : David Wunsch, Jeffrey Tasker, Peter Caswell, and Thomas Garside

DES staff : Rick Schofield, and Suzanne Picone

Chairman Cushing brought the meeting to order at 9:12 AM and introduced the Board and staff members.

### **Approval of Minutes**

Upon motion by Mr. Cushing and seconded by Mr. Tasker, the Board unanimously voted to accept the Minutes of the June 15, 2007 meeting.

### **Old Business**

Chairman Cushing shared a note from a meeting he attended at DES regarding regulations on ground water heat pumps. If a well is pumped in excess of 20,000 gallons per day the owner must register the usage with the DES water use reporting program. If a well is pumped in excess of 39 gallons per minute the owner must obtain a large groundwater withdrawal permit from DES just like a large community type water user. He noted that residential wells are exempt from this rule. The important thing to note is the water discharged to waste, and not how much water is circulated through the geo-exchange system, that's used to determine if a large groundwater withdrawal permit is required. He expressed the importance of making this note in the next Newsletter.

### **Reporting**

#### **HB 459**

Mr. Schofield explained to the Board this bill refers to the reporting of the Well Completion Reports. Well drillers would now need to include GPS coordinates, street address, and tax map and lot number. In regards to necessary outreach efforts, Mr. Wunsch noted that DES sent out notices to well drillers about this change when their licenses renewed. There will be more information to come this fall concerning workshops and other guidance efforts.

Amendments of the House Bill 459 will become effective December 8, 2007.

Mr. Schofield noted that these amendments will be revisited later in the afternoon as planned in the agenda.

### Hartley Industries Inc.

*This matter was reviewed first at the February 8, 2007 meeting when it came to the Board's attention that Hartley Industries Inc had not submitted well completion reports in 2006. With no response to the Board's inquiry by the April 20, 2007 meeting, the Board requested Mr. Hartley's appearance at the June 15, 2007 meeting. Mr. Hartley did not attend the meeting due to his daughter's graduation. Mr. Hartley notified the Board that he would not be able to attend the meeting, apologized for not filing well completion reports, and made a partial payment in the amount of \$4,000 toward his administrative fine.*

Mr. Schofield briefed the Board of this history, and provided 11 of the 19 well completion reports submitted by Mr. Hartley on June 13, 2007. Mr. Schofield further reported that \$1,200.00 was still due of the original administrative fine amount of \$6889.00. There was discussion to clarify the original fine amount and the Chairman invited Mr. Hartley to come up to the table. Mr. Hartley, of Meredith, NH approached the Board and explained his disagreement with the importance of the well completion reports. Mr. Hartley further stated that the information reported on well completion reports is highly inaccurate. Members of the Board responded that the reports they file are accurate and everyone equally has to complete the reports because they provide data that's vital for identifying the quality, quantity, and history of the water source. Mr. Hartley questioned the Board's intent and authority in threatening to suspend or revoke his license for a paper work violation. Mr. Pelletier stated, on behalf of his fellow Board members, that they would **not** want to revoke his license, nor put him out of business, but there is a law they must enforce, referencing RSA 482-B, and taking an action against a license is the Board's only enforcement option.

Mr. Hartley asked a quick question regarding requirements on the reports and exits. The Board had no further discussion.

### Consumer Complaints

#### Charles Wojcik / Phil Brien Water Wells

*Mr. Wojcik was present at the meeting. Mr. David Brien, drill contractor of Mr. Wojcik's well, submitted a letter to the Board explaining that due to a previously scheduled engagement he would be unable to attend the meeting.*

On May 29, 2007, Charles Wojcik filed a complaint against Phil Brien Water Wells who constructed his 204 ft well in 2001. Mr. Schofield gave an overview to the Board explaining that since then, Mr. Wojcik had experienced a severe sediment problem. He was advised by Mr. Brien to keep pumping the well to clear the sediment but the problem persisted. A new pump was installed in April 2007 and a few weeks later, the pump seized up full of rock sediment and was sand locked in the well. Mr. Schofield reported he had conducted an inspection at the Wojcik property on June 6, 2007 and found several violations. The well was located 51 ft from the leach field and 40 ft from septic tank. Water well code requires a minimum separation distance of 75 feet. Based on the well completion report, 20 feet of casing was installed. Water well code requires 40 feet of casing where wells are located closer than 75 feet from an observed source of contamination. The pump circuit equipment grounding conductor was not bonded to the well casing, and the well cover was not sealed. The drive-shoe was also not sealed to the bedrock, as determined by a video tape of a down-hole camera survey conducted on the Wojcik well by an independent contractor.

Mr. Schofield had met with Mr. David Brien at DES to review the down-hole camera survey. Mr. Brien had soon after sent a letter of response to the violations in which they discussed. In summary, he offered to drill an entirely new 205 foot well without cost to Mr. Wojcik. At the request of DES, Mr. Brien agreed to decommission the existing well. Mr. Brien did not want to install a pump in the new well or cut off the well head on the existing well after it was decommissioned. Mr. Wojcik brought this issue to the Board to ask for their advice.

Chairman Cushing invited Mr. Wojcik of Candia, NH to approach the Board and discuss a possible settlement. Mr. Wojcik explained his expenses in trying to resolve the well problem, as well as aesthetic inconveniences involved with his attempt to remedy the problem. After hearing Mr. Wojcik's view, the Board discussed the issues and decided to give their advice on a settlement. According to the original contract, a new 205 ft well should be drilled in a proper location, with at least 40 feet of casing, and cover half the price of a new pump. The old well should be decommissioned and the casing cut for aesthetic purposes. Mr. Wojcik can accommodate any excavation involved since he has a backhoe on site.

The Board instructed Mr. Schofield to write a letter with the details of the suggested settlement and follow up on the new construction.

## **Rules**

### **NH Geological Survey**

David Wunsch from NHGS presented the Board and public with a Demo CD of New Hampshire's bedrock geology which includes the well inventory data. The CD allows the viewer to scroll through information including bedrock geology, the location (GPS), distribution and density of wells, well depths and yields, and identify trends in geologic features, such as depth to bedrock.

Since the bedrock geology mapping is based on limited exposures from natural bedrock outcrops, stream beds, and road cuts, and the well database grows at a rate of approximately 5,000 wells per year, Mr. Wunsch had proposed to the Board to require well drillers to roughly identifying the geological composition of the drill site in the well completion reports. Information that a well driller could provide will help geologists, consultants, and even future well drillers. Well drillers and new licensees would be provided with a laminated field guide for common rocks found in NH. This would make it easy to note on their reports the material they are drilling through on each site.

The Membership gave supportive compliments to the proposal.

### **Chapter 800 – Well Completion Reports**

*At the last meeting, there were amendments to the rules in which the Board had discussed. These changes have since been made in a draft and were presented at this meeting for final review.*

Mr. Schofield informed the Membership that he had made the necessary amendments to Chapter 800 of the rules to bring them into compliance with the new statutory requirements resulting from House Bill 459. Changes to We Chapter 800 were discussed amongst the Membership. Mr. Schofield described some of the changes. He makes note that monitoring wells are now required to be

reported to the Board rather than to the project engineer or property owner. Previously technical drillers were only required to report exploration/test wells to the Board. Mr. Garside agrees. The Membership continued to review the amendments and editorial adjustments.

These changes will be reviewed by Legislative Services for their approval.

#### Small Lots with Public Water Supply

Mr. Pelletier gave the Board a summary of the We 602 rule along with RSA 485-A: 29 & 30-b regarding new well construction and septic systems. The issue discussed was private wells constructed on subdivided lots which are serviced by public water. Mr. Schofield mentioned that these subdivisions were originally approved contingent upon the use of the public water system. The new proposed rules, We 602.05 (o) & (p), make new well construction within a subdivision consistent with subdivision approval and septic system requirements.

Mr. Schofield provided the Board with a list of older subdivisions with small lots which received subdivision approval by DES contingent upon public water being provided. He recommended that this list be sent to all licensed contractors so they are informed that properties in these subdivisions still need to follow the current state requirements.

Upon motion by Mr. Wunsch, seconded by Mr. Garside, there was a unanimous vote to accept the new rules.

#### Final Review

*As Mr. Schofield described We Chapters 100 and 200 for the Board, he noted some of these are the changes made at the last meeting and the Board should review before accepting.*

We 101.08 described “Competent bedrock...” type when drillers are on site. Mr. Schofield explained that this additional rule will help define the term “competent” as it is referenced in several other rules.

The Membership continued to discuss the changes made to Chapter 300 in regards to license applications and qualifying experience.

Mr. Schofield suggested the Board amend We 401.03(a) by deleting “certified mail” and inserting “first class” mail in hopes to save money when non-renewal notices are sent out. Mr. Schofield reported that the Board sent out 85 non-renewal notices this year and the cost of a certified letter is \$5.21 per piece. The Membership was concerned about contractors that may be away, or do not receive the notice for one reason or another. Mr. Schofield explained that all state mail that is undeliverable gets sent back to the program in which it originated. Program staff would then call those contractors. He also noted that most licensees are very conscious of their license renewal date.

Upon motion by Mr. Tasker, and seconded by Mr. Pelletier, the Board voted unanimously to approve Chapters We 100 & We 200.

Upon motion by Mr. Tasker, to approve Chapters We 300 – We 1000, and seconded by Mr. Garside, there was a unanimous vote.

### Administrative Fine Schedule

Mr. Schofield used a recent inspection of Paradise Shores, Moultonborough as an example of leaving well heads open. He explained that this well was drilled for an emergency/ temporary status for a subdivision, but is a community source serving several hundred people. Pictures he provided showed the well with piping routed directly out of the top of the well casing. Mr. Schofield proposed to the Board that a fine of \$500.00 be adopted for circumstances like this one. The Board discussed the terminology of this new rule and came to the conclusion that this would be a good idea.

### Licensing

#### Matrix Environmental Technologies Inc.

Mr. Schofield briefed the Board that Matrix is an engineering service that offers oxygen injection systems for site remediation especially after spills. The Board asks Julie Leininger from Albany, NY to approach on behalf of Matrix Environmental to discuss the procedures. She shared that Matrix out sources to several different consultants to install their technology but the Matrix employees would take small samples to monitor the injection process. Calling upon the recommendations of the Board, Ms. Leininger questioned if there was a license necessary for this type of activity.

In the discussion, Mr. Schofield shared that the law requires a license if you are either: observing, sampling, or withdrawing groundwater. Since there are technicians within Matrix that are using a GeoProbe tool to monitor the injection procedures, then they would need a license. Mr. Pelletier further noted that the Board licenses a company in conjunction with a qualified person, rather than requiring every person running the drill equipment to be licensed. The qualified person is responsible for wells constructed by other company employees.

#### Renewals - Londonderry Plumbing & Heating

Mr. Schofield presented the renewal application of David Benedict to the Board. He submitted his pump installation license renewal late on July 31, 2007 upon completing the continuing education requirement. An expired license can be renewed within one year following expiration by submitting the information required in We 401.01, and a \$20 late fee after August 1<sup>st</sup>.

A Motion was made to renew the license without the late fee by Mr. Pelletier, and Mr. Tasker seconded that motion. The Motion carried.

#### Renewals cont'd – Leland Boles

Mr. Schofield shared with the Board that Mr. Boles asked for an extension of his pump installation license until he has an opportunity to earn his continuing education credits. This delay was due to illness that has resulted in several visits to the hospital. The Board discussed the request and decides not to grant an exception to this case, and Mr. Boles would have time to complete the continuing education during a year following expiration. Mr. Boles is not authorized to install pumps until such time as the license is renewed.

### New Applicants

The Board reviewed and approved the applications filed by Shawn T. Beal, Harold M. Smith, Kenneth D. Pierce, Patrick S. Wheeler, and William P. Kuiken. Chairman Cushing went on record in opposition to the application of William P. Kuiken, but the application was discussed further by the Board and then approved.

### New Business

#### David Boyd

Mr. Schofield shared that a licensed contractor David Boyd sent a letter to the Board concerning unlicensed contractors and plumbers installing wells and pumps in Northern NH. He has brought information to Mr. Schofield's attention regarding the names of people taking the business away from licensed contractors who follow the law.

The Board invited Mr. Boyd, from Freedom, NH to the table to discuss his views as a licensed contractor. He explained his experience with customers who are uneducated that a license is necessary for installing pumps. This competition had upset Mr. Boyd to the point that he's asking the Board to enforce this activity. When he was an apprentice, Mr. Schofield had shared the regulations with him and encouraged him to get his license. Mr. Pelletier explained the program's limited ability to police the industry due to available funding and staff resources.

After discussion, the Board instructed Mr. Schofield to continue to reach out to named individuals are working without a license and to follow up with Mr. Boyd.

#### Pump Settings in Polyethylene Pipe

Mr. Schofield had compiled engineering data from three manufacturers of polyethylene plastic pipe. The information he had calculated represents the recommended maximum pump depth setting in relativity to the pressure and temperature limits. He had shared this information with the Board asking if they would allow it as an acceptable tool that he could use as a reference.

The three manufacturers listed were Endot Industries Inc., Cresline Plastic Pipe Co Inc., and Oil Creek Plastics Inc. These manufacturer's recommend maximum depth settings for their polyethylene pipe at 73.4° F. Ambient groundwater temperature in New Hampshire is approximately 54° F. Pump installers take advantage of the fact that ambient groundwater temperatures in the Northeast are cooler and compensate by installing pumps deeper.

The Board invited Steve Smith from Hooksett, NH to add his comments on the issue. With his well drilling and repair experience, he joined in the discussion and agreed with Mr. Schofield's calculations concerning the pipe.

Chairman Cushing agreed this information would be acceptable for Mr. Schofield to use as a reference, and eventually might be useful in a fact sheet. He assigned more information to be compiled by Mr. Caswell and Mr. Smith to further show the manufacturer's ratings regarding pumps set on PVC pipe.

### Pump Standards for Deep Settings

Mr. Schofield informed the Board that he recently received an inquiry from a citizen asking what the state requirements were for deep pump settings. He raised the question of whether the Board should consider such standards.

Chairman Cushing answered that the Board's rules require the manufacturers' recommendations. Following further discussion no action was taken.

Upon motion by Mr. Cushing, seconded by Mr. Pelletier, the Board unanimously voted to adjourn the meeting.